

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CODY GOLDTOOTH,

Plaintiff,

vs.

THE WESTERN SUGAR COOPERATIVE,

**Defendant and Third-Party
Plaintiff,**

vs.

**DSI MECHANICAL, LLC AND ZURICH
AMERICAN INSURANCE COMPANY,**

Third-Party Defendants.

8:20CV113

**FIFTH AMENDED
TRIAL SETTING ORDER**

This matter comes before the Court on the Unopposed Motion of Defendant/Third-Party Plaintiff to Amend Fourth Amended Trial Setting Order ([Filing No. 146](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Unopposed Motion of Defendant/Third-Party Plaintiff to Amend Fourth Amended Trial Setting Order ([Filing No. 146](#)) is granted, and the fourth amended trial setting order is amended as follows:

- 1) The parties have notified the Court that this matter has been scheduled for mediation before Michael Mullen on July 31, 2024. On or before **August 7, 2024**, the parties shall notify the Court regarding the outcome of mediation.
- 2) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is extended to **August 15, 2024**.
- 3) The parties do not anticipate filing dispositive motions. Nonetheless, the deadline for filing motions to dismiss and motions for summary judgment is extended to **August 15, 2024**.
- 4) The **Final Pretrial Conference** remains rescheduled before the undersigned magistrate judge on **December 9, 2024**, at **10:00 a.m.**, and will be conducted in chambers. Third-party defendants may appear via video conference. The instructions to appear by video conference will be entered by separate order. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov in Word format, by **3:00 p.m. on December 2, 2024**.

- 5) The jury trial of this case remains set to commence before Robert F. Rossiter, Jr., Chief United States District Judge, in Courtroom 4, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m.** on **January 13, 2025**, or as soon thereafter as the case may be called, for a duration of **twelve (12)** trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.

Dated this 18th day of June, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge